

REMARKS/ARGUMENTS

In the present Action, claims 51-96 are subject to a restriction requirement. The restriction requirement is respectfully traversed.

The Examiner notes that restriction is required under 35 USC §121 as well as §372. Inasmuch as the present application is a national phase entry of a PCT application, it is noted that 35 USC §121 does not and cannot be applied under the Patent Cooperation Treaty. Thus, to the extent the Examiner has relied upon any portion of §121 in the present restriction requirement, that restriction is respectfully traversed.

Additionally, the Examiner's admits that the special technical feature of claim 51 is the "molecular single electron transistor (MSET) detector device comprising at least one organic molecule attached to a drain electrode and a source electrode wherein, in use, **said at least one organic molecule provides a quantum confinement region** characterized in that at least one analyte receptor site is provided in the vicinity of said at least one organic molecule" (emphasis added). While the Examiner alleges that this "special technical feature" of claim 51 is disclosed in Feldheim (WO 01/13432), the Examiner's conclusion is respectfully traversed.

The cited portion of the Feldheim reference (abstract and Figure 10) does disclose an MSET detector device; however, it is unclear that a ligand as disclosed in Feldheim is an "organic molecule." However, even assuming that the disclosed ligand in Feldheim is an organic molecule, there is no disclosure in Feldheim that this molecule "provides a quantum confinement region" (and no evidence is presented that suggests that it inherently provides a quantum confinement region). Because the cited portion of the Feldheim reference does not disclose or confirm that a "quantum confinement region" is provided, there is no disclosure that the claimed technical feature is disclosed or rendered obvious by the Feldheim reference. Accordingly, this

“special technical feature” is believed to link the inventions of Group I and Group II and therefore the restriction requirement under PCT Rule 13.1 is respectfully traversed.

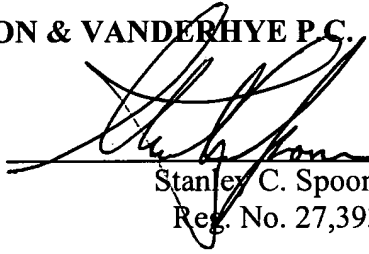
Applicants elect with traverse, as noted above, Group I, claims 51-91, 95 and 96 directed to a product. The Examiner suggests that Group II is claim 92 directed to a method of using a product. Applicants inquire as to the status of claims 93 and 94 which depend from claim 92 but which are not addressed in the Official Action. Applicants will assume that the Examiner intended to indicate that Group II comprised claims 92-94. As noted above, the restriction requirement is respectfully traversed.

Having responded to all objections and rejections set forth in the outstanding Official Action, Applicants elect Group I and claims 51-91, 95 and 96 readable thereon, with traverse, and believe that these claims are in condition for allowance. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of these claims, he is respectfully requested to contact Applicants' undersigned representative.

Respectfully submitted,

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By: _____


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